

**BEFORE THE
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

In the Matter of:

**CHARLES W. BARTLETT, JR.,

Respondent.**

**Docket No. FMCSA-2010-0304¹
(Eastern Service Center)**

ORDER REQUESTING ADDENDUM TO SETTLEMENT AGREEMENT

On August 2, 2010, Claimant, the Acting Field Administrator for the Eastern Service Center, Federal Motor Carrier Safety Administration (FMCSA), issued to Respondent, Charles W. Bartlett, Jr., a Notice of Default and Final Agency Order for failing to reply to a June 25, 2010 Notice of Claim, which proposed a civil penalty of \$970 for: (a) operating a commercial motor vehicle without a valid commercial driver's license, in violation of 49 CFR 383.23(a); and (b) operating a motor vehicle in such a condition as to likely cause an accident or breakdown, in violation of 49 CFR 396.7(a).² Respondent petitioned for reconsideration on August 19, 2010.

On August 30, 2010, Claimant submitted a Notification of Settlement and Motion to Close Docket, stating that all pending issues had been resolved; he requested, therefore, that the proceeding be dismissed and the docket be closed. Under the Settlement Agreement, which was executed by Respondent on August 27, 2010, and by

¹ The prior case number of this matter was PA-2010-0156-US0043.

² See attachment to Respondent's Petition for Reconsideration and Settlement Agreement, paragraph 1. Because the Notice of Claim was not made part of the record – Respondent alleged that it did not receive it – it is not possible to determine the civil penalty proposed for each alleged violation.

Claimant on August 30, 2010, and adopted as a Final Order,³ Respondent agreed to pay \$970 in six monthly payments; the first payment of \$165 was due no later than September 10, 2010, and the next five payments of \$161 each will be due no later than the tenth day of the following five months, with the last payment due February 10, 2011.⁴ The parties agreed that execution of the Settlement Agreement constitutes an admission of the violations set forth in the document.⁵ The Settlement Agreement would be in the public interest except for the fact that there is language missing from paragraph 6, which is contained at the bottom of the second page and the top of the third page of the Settlement Agreement. The paragraph states, in pertinent part: "Failure to make an installment payment on schedule **in interstate commerce and, if applicable, RESPONDENT'S registration will be suspended or revoked in accordance with 49 CFR §§ 386.83 AND 386.84.**" (Bold in original.) As soon as the parties submit an addendum containing the missing language from paragraph 6, I will approve the Settlement Agreement.⁶

It Is So Ordered.



Rose A. McMurray

Assistant Administrator

Federal Motor Carrier Safety Administration

9.17.10
Date

³ See Settlement Agreement, paragraph 8; 49 CFR 386.22(a)(1)(vii).

⁴ See Settlement Agreement, paragraph 4 and 5.

⁵ See Settlement Agreement, paragraph 10.

⁶ Both parties must execute the addendum.

CERTIFICATE OF SERVICE

This is to certify that on this 20 day of September, 2010, the undersigned mailed or delivered, as specified, the designated number of copies of the foregoing document to the persons listed below.

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